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ELI LILLY AND COMPANY

By KS Rhoade

Date 8-11-03

**PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Briner, et al.)
Serial No. : PCT/US00/01342)
US Application No.: 09/890,311)
Filed : July 26, 2001) Group Art Unit:
For : Aminoalkylbenzofurans as Serotonin)
(5-HT(2C)) Agonists) Examiner:
Docket No. : X-11594)

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 C.F.R. §1.181

Attention: Office of PCT Legal Administration

Mail Stop PCT
Commissioner for Patents
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Sir:

April 10
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Aug 10

This is a renewed petition under 37 C.F.R. §1.181 to withdraw holding of abandonment. Please charge the amount of \$130 [the fee under 37 C.F.R. §1.17(h)] to cover the fee for this Petition, the amount of \$930 [the fee under 37 C.F.R. §1.17(a)(3), for a three month extension] and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

The above-identified application was abandoned for failure to respond to a notice of Missing Requirements. The PCT national filing of the present application was made on July 26, 2001, including a Transmittal Form including instructions for payment of fees (Form PTO-1390), a copy of the International Preliminary Examination, a Preliminary Amendment, a Declaration and Power of Attorney signed by the inventors (Form PTO/SB/01 (8-96)), and a postcard for the acknowledgment of receipt. The postcard was received in return mail stamped "JC05 Rec'd PCT/PTO 26 July 2001

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OFFICE OF PETITIONS

09/890311". On 19 November 2002, Applicants received a Notification of Abandonment, stating the cause for abandonment as a failure to respond to a Notice of Missing Requirements, purportedly mailed 10 September 2001. On 26 November 2002, Applicants submitted a petition to revive under 37 C.F.R. §1.137(a). This petition was instead to be considered a petition under 37 C.F.R. §1.181, which was dismissed without prejudice, and included instructions as to what would be an adequate response.

In compliance with those instructions, Applicants hereby renew their petition to withdraw holding of abandonment. The below signed Practitioner attests and states that he is and was the responsible attorney for the above referenced application; that he did not receive the referenced Notice of Missing Requirements; that a search of the file jacket (electronic file wrapper) and docketing records was conducted; and that this search indicated that the referenced Office Action had not been received. Enclosed please find a copy of the entire electronic file wrapper for this application and note that all correspondence for patent cases is scanned into the electronic file upon receipt by our office and any actions due are docketed into our electronic docketing system at the same time. Enclosed also is a copy of a report from our docketing system, PCMaster™, of all actions due, or actions with a final deadline, docketed for the 10 November 2002 (the specific date requested by the attorney-Advisor for the Office of PCT Legal Administration), as well for 10 November 2001, two months after the purported mailing date of the Notice of Missing Requirements, which Applicants suggest is the relevant date. Please note that there is no indication of receipt of the missing notice in the electronic file wrapper and that there is no docketing entry for the present case, X11594 US, though other docket entries are noted for attorney TUCKERRC, and other notices of missing parts are noted for other cases. These are the records that were searched to determine that the referenced Notice of Missing Requirements had, in fact, not been received.

In that the cause for Applicants' failure to respond is that Applicants never received the referenced Notice of Missing Requirements, and was therefore completely unavoidable, Applicants petition that the holding of abandonment be withdrawn and the application be revived and reinstated as a pending application.

Furthermore, in that Applicants have yet to receive a copy of the referenced Notice of Missing Requirements, Applicants respectfully request that the Notice be (re)transmitted, so that Applicants may respond in a timely manner under the present circumstances.

Serial No. 09/890,311

Respectfully submitted,



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